

PATENT  
Application of NEWTON  
Ser. No. 09/509,265  
Attorney Docket No. 3315/23

## REMARKS

### Summary of Interview

Applicant gratefully acknowledges the telephone interview granted by the Examiner with Applicant's representative on 21 January 2004.

The Examiner and Applicant's representative discussed claims 1, 2, 5, and 12 – 15. The Examiner indicated that claims 2 and 12 – 15 appear to be allowable over the art of record, but that further searching might be required for claims 12 – 15. The Examiner further noted a potential section 112 concern with regard to claim 13. Applicant believes that he has addressed the Examiner's concern.

No agreement was reached with respect to claim 1. Applicant suggested restricting claim 1 to articles useful in the clinical treatment of patients. The Examiner indicated that he thought that a claim containing such a limitation might be allowable over the art of record, but declined to commit pending a consideration of possible section 103 issues in view of the Wright reference.

### Amendment of Claims and Addition of Claims

Applicant hereby rewrites claims 1 – 3 and adds claims 11 – 16. The rewriting of the claims and addition of the claims is fully supported by the specification, and no new matter is added to the application. Applicant submits that the claims are in condition for immediate allowance.

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### CONCLUSION

Applicant believes that he has addressed each of the Examiner's concerns, and respectfully requests consideration and immediate allowance of the claims.


In the event that any fee is deemed to be required in association with this filing, please charge such fee to Deposit Account No. 02-4270.

Applicant requests that any questions concerning this matter be directed to the undersigned at (212) 895-2906.

I certify that this paper is being is being transmitted by facsimile to the Patent and Trademark Office in accordance with 37 CFR §1.6(d) and 1.8(b) on the date shown below.

Respectfully submitted,

Dated: 21 JANUARY 2004

  
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